

APPROVED

**City of York Planning Commission
March 29, 2022
Minutes**

Members present:

Chairperson Wendy Duda
Maria Duncan
A. Lee McLin
Laura Korn
Marissa Harris

Members absent:

Arthur Lowry
Ron Parrish

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
City Manager Duncan
(see sign-in sheet)

The first item of business was Chairperson Wendy Duda calling the meeting to order at 5:00 pm.

The second item of business was approval of the draft Minutes from the February 28, 2022 meeting.

Upon a Motion by Maria Duncan, seconded by A. Lee McLin, the Commission unanimously approved the draft Minutes as submitted.

For the third item of business, Chairperson Wendy Duda opened the floor for and received comments from the public on agenda items.

Several local residents spoke regarding the upcoming Spring Lakes project near Springlake Country Club. Public concerns expressed included impact on home values, traffic impact, excessive housing density, incompatibility of the project with surrounding community, lots being too small, etc.

For rezoning applications noted on the agenda, Planning Director Breakfield reminded Commission members to keep the following in mind:

1. The Planning Commission (PC) must review each rezoning application and then render a recommendation to York City Council. As the rezoning application is reviewed, the PC must be mindful that, among other things, the City's Comprehensive Plan must be used in the evaluation process. City Council must then take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.

2. As each rezoning application is reviewed, please keep in mind the following factors:
 - Does the application comply with the Comprehensive Plan (including the future land-use map)?
 - Would the approval of the proposed rezoning application be in keeping with the character of the subject area?

The fourth item of business was an application to rezone property from R15 – Restricted Residential to R7 – Residential (located on Williams Street near Hunter Street and referenced by YC Tax Map Id #0700604024).

Planning Director Breakfield indicated the following:

- The City's future land-use map calls for the property to have small-lot residential development.
- The Comprehensive Plan describes small-lot residential development as subdivisions with uniform housing types and densities and such development is often found in close proximity to commercial and suburban office centers and help provide the “rooftops” necessary to support those centers.
- The lots that could be created in a R7 district could be considered small lots, the potential lots would be compatible with the size of nearby existing lots (R15 and R7 requirements are attached) and some of the nearby properties are similarly zoned R7.

The applicant presented the application and answered questions.

Upon a Motion by Maria Duncan, seconded by Marissa Harris, the Commission unanimously approved the application as submitted.

The fifth item of business was an application to rezone a portion of property from HC – Highway Commercial to R7 – Residential (located on Highway 321 Bypass near the intersection of Sharon Road referenced by YC Tax Map Id #0701402042).

Planning Director Breakfield indicated the following:

- The City's future land-use map calls for the property to have neighborhood commercial development.
- The Comprehensive Plan describes neighborhood commercial development as being in close proximity to neighborhoods with low density, unobtrusive and small-scale design compatible with nearby residential development. Will be transitional between residential and nonresidential uses. Although primarily commercial, some centers may include upper story residential and/or office. Sites will affectively minimize the cut-through of traffic.

- The subject property is located in the gateway corridor district and is surrounded mainly by large open areas zoned R7 and HC. Nearby property usage includes residential and commercial.
- The Comprehensive Plan seems to indicate that a coordinated, mixed-use development should be designed for the overall tract of property (especially since the property is in the gateway corridor).

The applicant presented the application and answered questions.

Upon a Motion by Maria Duncan, seconded by Marissa Harris, the Commission unanimously approved the application as submitted. A. Lee McLin opposed the Motion.

The sixth item of business was an application to rezone properties from R15 – Restricted Residential and R7 – Residential to R5 – Multifamily Residential (proposed Spring Lakes Subdivision near Springlake Country Club off of Springlake Road and Blessed Hope Road referenced by York County Tax Map Id #'s 0702301004, 0702301005, & 0702301007).

Planning Director Breakfield indicated the following:

- In 2021, the Planning Commission recommended that York City Council deny a similar rezoning request for the property along with the accompanying special exception application and conceptual site plan for the proposed project for the site; thereafter, the Board of Zoning Appeals received the negative recommendation from the Planning Commission and then conditionally approved the special exception application/ conceptual site plan for the proposed project for the site. As background, the Minutes from the pertinent PC and BZA meetings (where decisions were made) were provided in the last meeting packet.
- Later in 2021, the applicant withdrew the previous rezoning application; however, the BZA conditional approval is still in place for a certain period of time awaiting the ultimate outcome of the rezoning request. To reiterate, the conceptual site plan for the project has been conditionally approved by the BZA and was not up for discussion. The rezoning application was the only topic of discussion.
- The applicant has now submitted a similar rezoning application for review by the City. As a new application, the application must go through the standard review process required for such applications.
- At the January 31st meeting, the PC reviewed this application as information only; subsequently, the application was discussed and action deferred at the February 28th meeting.

- Please be mindful that the PC has a maximum of 75 days from the initial official meeting regarding this application to review and make recommendations regarding the application; therefore, due to the 75-day requirement and since the initial meeting was held on January 31st, a recommendation must be rendered at this meeting.
- If a rezoning application is ultimately denied by City Council, the application cannot be resubmitted for at least one year.

After much discussion, Maria Duncan made a Motion to deny the rezoning. There was no second to the Motion; therefore, the Motion died for lack of a second. Upon a Motion by A. Lee McLin, seconded by Marissa Harris, the Commission approved the application as submitted. Maria Duncan opposed the Motion to approve the rezoning application.

For the two (2) rezoning/special exception applications noted on the agenda, Planning Director Breakfield reminded the Commission members to keep the following in mind:

- a. As with any rezoning application, the PC must review the application and then render a recommendation to York City Council. As the rezoning application is reviewed, the PC must be mindful that, among other things, the City's Comprehensive Plan must be used in the evaluation process. City Council must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
- b. As the special exception application and conceptual site plan are reviewed, the PC must be mindful that, among other things, the City's Comprehensive Plan must be used in the evaluation process and that the following factors must be addressed in the decision-making process:
 - The proposed design and location of the particular development.
 - The possible traffic-generating characteristics of the proposed development.
 - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - The availability of public utilities, facilities and services.
- c. As with any special exception application, the PC must review the application and then render a recommendation to the BZA. The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.

- d. Action must be taken separately regarding the rezoning and special exception applications.
- e. Please be mindful that the PC has a maximum of 75 days from the initial official meeting regarding these applications to review and make recommendations regarding such applications; therefore, due to the 75-day requirement and since the initial meeting was held on January 31st, recommendations must be rendered at this meeting.
- f. If either application is ultimately denied by City Council, the application cannot be resubmitted for at least one year.

The seventh item of business was a rezoning application and special exception application for property located off of Fourth Street across from the York Recreation Complex and referenced by York County Tax Map Id #'s 0701601092 and 0701601002.

Planning Director Breakfield indicated the following:

- The City received an application to rezone the noted properties from R12 – Residential to R5- Multifamily Residential.
- If the rezoning application is approved, the PC can consider the special exception application and conceptual site plan for the Cannon Village townhome/ single-family residential project. In a R5 – Multifamily Residential Zoning District, townhome/ single-family dwelling subdivisions are allowed only by special exception approval.
- At the January 31st meeting, the PC considered a rezoning application and special exception/ conceptual site plan for the proposed Cannon Village project along with written City staff comments; thereafter, the PC requested that the applicant submit revised plans that addressed staff comments and the PC feedback.
- The applicant submitted an itemized written response and revised conceptual site plan for review by the City. After reviewing the revised submittal for the project, City staff provided a report for consideration. The written response from the applicant, the revised conceptual site plan and Staff report were provided in the last meeting packet.
- At the February 28th meeting, the PC reviewed and deferred action on these applications.

- Based on previous City staff comments, the following issues remain to be discussed with the Planning Commission:
 - Design specifications for the rear alley
 - The amenities installation schedule
 - Typical side-load garage requirements

In addition to any concerns from the Planning Commission, any approval of the special exception application and conceptual site plan should be contingent upon all requirements of City staff being addressed.

Upon a Motion by A. Lee McLin, seconded by Maria Duncan, the Commission unanimously approved the rezoning application contingent upon all requirements of City staff being met.

Upon a Motion by Maria Duncan, seconded by Laura Korn, the Commission unanimously approved the special exception application contingent upon all requirements of City staff being met. Marissa Harris opposed the Motion.

The eighth item of business was a rezoning application and special exception application for property located off of York Highway at the intersection of Park Place Road and referenced by York County Tax Map Id #'s 3960000002 and 3960000027.

Planning Director Breakfield indicated the following:

- The City received an application to rezone the referenced property from York County zoning classification RUD to City of York zoning classification R5- Multifamily Residential. An annexation request will need to be processed for this project.
- If the rezoning application is approved, the PC can consider the special exception application and conceptual site plan for the Brighton Springs single-family residential project. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only by special exception approval.
- At the January 31st meeting, the PC considered a rezoning application and special exception/ conceptual site plan for the proposed Brighton Springs project along with written City staff comments; thereafter, the PC requested that the applicant submit revised plans that addressed staff comments and the PC feedback.

- The applicant submitted an itemized written response and revised conceptual site plan for review by the City. After reviewing the revised submittal for the project, City staff provided a report for consideration. The written response from the applicant, the revised conceptual site plan and Staff report were provided in the last meeting packet.
- At the February 28th meeting, the PC reviewed and deferred action on this application.
- Based on previous City staff comments, the following issues remain to be discussed with the Planning Commission:
 - The amenities and open space package including installation schedule
 - The minimization of back-to-back lot areas
 - The phasing plan
 - The typical house price point

In addition to any concerns from the Planning Commission, any approval of the special exception application and conceptual site plan should be contingent upon all requirements of City staff being addressed.

Upon a Motion by Marissa Harris, seconded by A. Lee McLin, the Commission unanimously approved the annexation and rezoning application contingent upon all requirements of City staff being met.

Upon a Motion by A. Lee McLin, seconded by Laura Korn, the Commission unanimously approved the special exception application contingent upon required corrections being made on the plan to the minimum heated area of the homes, description of raw materials for the pavilion, providing elevations of houses with side load garages, all requirements of City staff being met, and noting that the PC had concerns regarding on-street parking.

The ninth item of business was an application to rezone property from HC – Highway Commercial to PUD - Planned Unit Development per submitted conceptual site plan to accommodate a townhome/ commercial project (York Meadows) located at the intersection of Lincoln Road and East Alexander Love Highway referenced by YC Tax Map # 0701801114

Planning Director Breakfield indicated the following:

- a. The City received an application to rezone the referenced property from HC – Highway Commercial to PUD- Planned Unit Development per the rezoning application and conceptual site plan provided in the meeting packet.

- b. As the PUD rezoning application and conceptual site plan are reviewed, the PC must be mindful that, among other things, the City's Comprehensive Plan, PUD requirements and precedents established by previous approvals must be used in the evaluation process.
- c. City staff has reviewed the application and submitted the report that was provided in the meeting packet to the applicant. In response, the applicant has submitted a written response as well as a revised conceptual site plan (the site plan was included in the meeting packet and the written response was emailed to the PC). Staff reviewed the revised submittals and the applicant addressed a significant portion of staff comments.

Regarding the written response, staff recommend that the PC focus on items 1 and 7 on the first page and each of the items on the 2nd page.

- d. Please be mindful that the PC have a maximum of 75 days from the initial official meeting regarding this application to review and make a recommendation regarding such application.
- e. If a rezoning application is ultimately denied by City Council, such application cannot be resubmitted for at least one year.

The PC members discussed the project in detail regarding open space, parking, setbacks, side load garages, phasing plan, elevations, building materials, commercial aspects, the Carolina Thread Trail, and amenities.

The PC advised the developer to revise the plan using staff comments and PC feedback regarding the project and resubmit a revised plan.

The tenth item of business was a proposed zoning amendment that would create requirements for commercial kitchens.

Planning Director Breakfield indicated the following:

- Based on feedback provided at the February 28th meeting, Planning staff has created a draft ordinance regarding commercial kitchens.

Upon a Motion by Maria Duncan, seconded by Marissa Harris, the Commission unanimously approved the draft zoning amendment for commercial kitchens as submitted.

The eleventh item of business was a proposed zoning amendment that would create requirements for breweries, brewpubs, etc.

Planning Director Breakfield indicated the following:

- Based on feedback provided at the February 28th meeting, Planning staff has created a draft ordinance regarding breweries, brewpubs, etc.

After discussion and upon a Motion by Maria Duncan, seconded by A. Lee McLin, the Commission unanimously approved the draft zoning amendment as submitted conditioned on the inclusion of the following:

- A micro-brewery can produce no more than 15,000 barrels (or 460,000 US gallons) of beer per year.
- According to The Brewers Association, a micro-brewery must sell 25% or more of their beer on site.

There being no further business, the meeting was adjourned at 7:45 pm.

Respectfully submitted,

C. David Breakfield, Jr. MCP, AICP
Planning Director

cc: File – Planning Commission 3/29/2022
Seth Duncan, City Manager